

Application No. 10/774922
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Amendment
Attorney Docket No. S63.2B-11269-US01

36. (New) The process of claim 1, wherein the marker does not comprise material in common with the shape memory material of the implantable medical device and wherein the marker is in directed contact with the shape memory material of the implantable medical device after the precursor is transformed to the austenitic phase.

37. (New) The process of claim 35, wherein the marker does not comprise material in common with the shape memory material of the implantable medical device and wherein the marker is in directed contact with the shape memory material of the implantable medical device after the precursor is transformed to the first phase.

38. (New) The process of claim 1, wherein the shape of the receptacle is substantially circular.

39. (New) The process of claim 17, wherein the shape of the receptacle is substantially circular.

REMARKS

This Amendment is in response to the Office Action dated **February 1, 2006**.

Each issue in the Office Action is addressed below.

§102 Rejections

Claims 1-12, 16-19, 21-31, and 35 were rejected under 35 U.S.C. 102(e) as being anticipated by Mackiewicz et al. (US 2005/0060025 A1). A full account of the rejection may be found on pages 2-3 of the official action.

Although Applicant disagrees with the rejection, the claims have been amended to further distinguish them from the cited reference. The above introduced amendments are being made without prejudice to any subsequent filing of an RCE or Continuation Application with the claims prior to the above amendments.

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§103 Rejections

Claims 13-15, 20, and 32-34 were rejected under 35 U.S.C. 103(a) as being unpatentable over Mackiewicz et al., (US 2005/0060025 A1). A full account of the rejection may be found on pages 2-3 of the official action.

Although Applicant disagrees with the rejection, the claims have been amended to further distinguish them from the cited reference. The above introduced amendments are being made without prejudice to any subsequent filing of an RCE or Continuation Application with the claims prior to the above amendments.

Miscellaneous

Claims 36-39 have been added. No new matter has been added. The New claims are fully supported by the specification as originally filed.

The application should now be in condition for allowance. Allowance is therefore earnestly solicited. If the Examiner would like to further discuss the case, he is encouraged to contact the undersigned.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: April 20, 2006

By: 

William E. Anderson II
Registration No.: 37766

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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